IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5509 of 2007()

CRIME NO.547/2007 OF THALIPARAMBA POLICE STATION

PETITIONER/ACCUSED

RANJITH M, AGED 32 YEARS,
S/O. P. V.SREEDHARAN, NAROLAM,
PO ELAMBACHI,KASARAGOD DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5509 of 2007

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Dated this the 12th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant . He faces allegations, inter alia, under Sec.498A IPC. Crime was registered on the basis of the complaint by the de facto complainant before the Police. The investigation is in progress. The petitioner apprehends imminent arrest.

2. The marriage between the spouses took place on 11.11.06. They are blessed with one child in the wedlock. There is strain in the matrimony. Such strain has prompted the defacto complainant to make reckless and exaggerated allegations, submits the learned counsel for the petitioner.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. I reckon the stand taken by the learned Public Prosecutor as a reasonable one. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient

and proper investigation.

4. In the result, this petition is allowed. The following directions are issued under Sec.438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate having jurisdiction on 19.09.2007.

ii) He shall be released on regular bail on condition that he execute a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 20.09.2007 and 21.09.2007 and thereafter he shall make himself available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 19.09.2007, he shall be released from custody on his executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19.09.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE